

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWARD HALVERSON,
 #1030045

Plaintiff,

vs.

HOWARD SKOLNIK, *et al.*,

Defendants.

2:10-cv-01132-PMP-LRL

ORDER

Plaintiff has filed, on the court-approved civil rights complaint form, a document styled “Emergency Medical Civil Rights Complaint” (Docket #1). As an initial matter, plaintiff has failed to submit an application to proceed *in forma pauperis* on the required form. *See* 28 U.S.C. § 1915(a)(1)-(2); Local Rules of Special Proceedings 1-1, 1-2. Plaintiff will be granted thirty (30) days in which to submit a completed and signed application to proceed *in forma pauperis* on the form provided by this Court. The application must be accompanied by all required financial documentation, as described in the instructions for use of the form.

With respect to the emergency medical complaint, the court now summarizes what appear to be the emergent facts only; the following is not an exhaustive recitation of all allegations. Plaintiff,

1 who is incarcerated in Southern Desert Correctional Center (“SDCC”), has sued Nevada Department of
2 Corrections (“NDOC”) Director Howard Skolnik, Nevada Attorney General Catherine Cortez-Masto,
3 SDCC Warden Brian Williams, and SDCC medical personnel (as Does). Plaintiff alleges that he is an
4 insulin-dependent diabetic and that on June 28-30, 2010, SDCC medical personnel issued him a different
5 type of insulin syringe. He claims that the new syringes are not issued in a blister package, nor are they
6 single-use syringes because the needle portion of the syringe does not retract or otherwise become
7 inoperative after a single use. He further alleges that he saw syringe packaging bearing an expiration
8 date of February 2010. (*See also* Docket #2). He claims that he questioned the medical staff and was
9 told “so, use them or don’t, it’s all we have.” Plaintiff asserts that he fears that he and other inmates may
10 be using and/or re-using contaminated syringes. He seeks injunctive relief including an order directing
11 SDCC to discontinue use of such syringes and to test the blood of inmates that have already used the
12 syringes for blood-borne diseases.

13 The court has not yet screened the complaint pursuant to 28 U.S.C. § 1915(e)(2), the
14 Prisoner Litigation Reform Act (PLRA) for sufficiency, including as to defendants named. However,
15 in light of the apparent urgency demonstrated by the alleged risk of irreparable harm, the court believes
16 an immediate response is required. Therefore, the court shall treat the complaint as an emergency
17 motion for temporary restraining order and shall permit a response on shortened time. Accordingly, the
18 Office of the Attorney General is directed to respond on behalf of defendants to at least the portion of
19 plaintiff’s allegations set forth herein within ten (10) days of entry of this Order. The court further orders
20 service on defendants of plaintiff’s motion to enter information into evidence (Docket #2), solely for
21 defendants’ information and reference. The court makes no determination regarding the procedural
22 propriety of such motion at this time.

23 Following a response and/or resolution of any emergency circumstances, normal
24 procedures pursuant to 28 U.S.C. § 1915(e)(2) will resume in this action.

25 **IT IS THEREFORE ORDERED** that the Clerk **SHALL SEND** plaintiff the approved
26 form for an Application to Proceed *In Forma Pauperis* by a prisoner, as well as the document

1 “Information and Instructions for Filing a Motion to Proceed *In Forma Pauperis*.” Within **thirty (30)**
2 days from the date of entry of this order, plaintiff **SHALL FILE** a completed and signed application to
3 proceed *in forma pauperis* on the form provided by this Court. Plaintiff’s failure to file an application
4 to proceed *in forma pauperis* in compliance with this order may result in the immediate dismissal of the
5 lawsuit without prejudice.

6 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **FILE** the complaint
7 (Docket #1).

8 **IT IS FURTHER ORDERED** that the Clerk shall **electronically serve a copy of this**
9 **order, along with a copy of plaintiff’s complaint, on the Office of the Attorney General of the State**
10 **of Nevada, attention Pamela Sharp.** The Attorney General shall advise the Court within **five (5) days**
11 of the date of entry of this order whether they can accept service of process for the named defendants
12 and the last known address under seal of the defendants for which they cannot accept service. If the
13 Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and
14 serve a response to the complaint within the longer of **five (5) days** of the date of the notice of
15 acceptance of service or **ten (10) days** of entry of this Order.

16 **IT IS FURTHER ORDERED** that henceforth, plaintiff shall serve upon defendants, or,
17 if an appearance has been made by counsel, upon their attorney(s), a copy of every pleading, motion, or
18 other document submitted for consideration by the Court. Plaintiff shall include with the original paper
19 submitted for filing a certificate stating the date that a true and correct copy of the document was mailed
20 to the defendants or counsel for defendants. If counsel has entered a notice of appearance, the plaintiff
21 shall direct service to the individual attorney named in the notice of appearance, at the address stated
22 therein. The Court may disregard any paper received by a district judge or a magistrate judge that has
23 not been filed with the Clerk, and any paper which fails to include a certificate showing proper service.

24 **IT IS FURTHER ORDERED** that the Clerk shall **electronically serve a copy of**
25 **plaintiff’s motion to enter information into evidence (Docket #2), on the Office of the Attorney**
26 **General of the State of Nevada, attention Pamela Sharp.**

1 **IT IS FURTHER ORDERED** that defendants **shall respond** to plaintiff's complaint
2 within **ten (10) days** of entry of this Order.

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5 DATED this 15th day of July, 2010.

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UNITED STATES MAGISTRATE JUDGE